

AMENDED IN ASSEMBLY JANUARY 7, 2016

AMENDED IN ASSEMBLY MAY 21, 2015

AMENDED IN ASSEMBLY APRIL 14, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 700

Introduced by Assembly Members Gomez and Levine

February 25, 2015

An act to amend ~~Section 84511 of the Government Code, relating to the Political Reform Act of 1974, and declaring the urgency thereof, to take effect immediately. Sections 84501, 84505, and 84511 of, to add Sections 84504.1, 84504.2, and 84504.3 to, to repeal Sections 84506, 84507, and 84508 of, and to repeal and add Sections 84502, 84503, 84504, and 84509 of, the Government Code, relating to the Political Reform Act of 1974.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 700, as amended, Gomez. Political Reform Act of 1974: advertisement disclosures.

Existing law, the Political Reform Act of 1974, provides for the comprehensive regulation of campaign financing and activities. The act requires a committee that supports or opposes ballot measures to name and identify itself using a name or phrase that clearly identifies the economic or other special interests of its major donors of \$50,000 or more. The act also requires that if the major donors share a common employer, the identity of the employer be disclosed.

This bill would repeal these provisions.

The act also requires advertisements, as defined, to include prescribed disclosure statements, including, among others, a requirement that the

disclosure statement include the names of the persons who made the 2 highest cumulative contributions, as defined, to the committee paying for the advertisement.

This bill would repeal and recast provisions of the act relating to advertisement disclosure statements. Among those changes, this bill would revise the definition of “advertisement” to exclude a number of communications, including communications paid for by a political party committee or person who is not a committee, and communications that involve wearing apparel, sky writing, and certain electronic media communications, as specified. The bill would also replace existing advertisement disclosure statements with newly prescribed disclosure statements that identify the name of the committee paying for the advertisement and the top contributors of the committee paying for the advertisement. The bill would define “top contributors” for purposes of these provisions as the persons from whom the committee paying for the advertisement received its 3 highest cumulative contributions, as specified. The bill would exempt certain committees, including committees that make independent expenditures totaling \$1,000 or more in a calendar year, from the requirement to disclose the top contributors in advertisement disclosure statements. The bill would also prescribe location and format criteria for the disclosure statements that is specific to radio and telephone, television and video, print, and electronic media advertisements.

Because a violation of the act is punishable as a misdemeanor, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

The Political Reform Act of 1974, an initiative measure, provides that the Legislature may amend the act to further the act’s purposes upon a ²/₃ vote of each house and compliance with specified procedural requirements.

This bill would declare that it furthers the purposes of the act.

~~Existing law, the Political Reform Act of 1974, provides for the comprehensive regulation of campaign financing, including requiring the reporting of campaign contributions and expenditures and imposing other reporting and recordkeeping requirements on campaign~~

~~committees. Existing law additionally imposes a disclosure statement requirement with respect to advertisements supporting or opposing a candidate or ballot measure paid for by a committee that makes an expenditure of \$5,000 or more.~~

~~This bill would require that if the advertisement is a television or video advertisement, the disclosure statement shall be shown continuously.~~

~~This bill would also state the intent of the Legislature to enact legislation that would implement a California Disclose Act.~~

~~Because a violation of the act is punishable as a misdemeanor, this bill would impose a state-mandated local program.~~

~~The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that no reimbursement is required by this act for a specified reason.~~

~~The Political Reform Act of 1974, an initiative measure, provides that the Legislature may amend the act to further the act's purposes upon a $\frac{2}{3}$ vote of each house and compliance with specified procedural requirements.~~

~~This bill would declare that it furthers the purposes of the act.~~

~~This bill would declare that it is to take effect immediately as an urgency statute.~~

~~Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.~~

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 84501 of the Government Code is
- 2 amended to read:
- 3 84501. For purposes of this article the following terms have
- 4 the following meanings:
- 5 (a) (1) "Advertisement" means any general or public
- 6 advertisement communication which is authorized and paid for by
- 7 a person or committee for the purpose of supporting or opposing
- 8 a candidate or candidates for elective office or a ballot measure
- 9 or ballot measures.
- 10 (b)
- 11 (2) "Advertisement" does not include a communication from
- 12 an organization other than a political party to its members, a

~~campaign button smaller than 10 inches in diameter, a bumper sticker smaller than 60 square inches, or other advertisement as determined by regulations of the commission.~~ any of the following:

(A) A communication paid for by a political party committee or a candidate controlled committee established for elective office for the controlling candidate.

(B) A communication from an organization, other than a political party, to its members.

(C) A campaign button smaller than 10 inches in diameter; a bumper sticker smaller than 60 square inches; or a small tangible promotional item, such as a pen, pin, or key chain, upon which the disclosures required by this article cannot be conveniently printed or displayed.

(D) Wearing apparel.

(E) Sky writing.

(F) An electronic media communication where inclusion of the disclosures required by Sections 84502, 84503, or 84506.5, is impracticable or would severely interfere with the committee's ability to convey the intended message because of the nature of the technology used to make the communication.

(G) Any other advertisement as determined by regulations of the Commission.

(b) "Cumulative contributions" means the cumulative amount of contributions received by a committee beginning 12 months prior to the date of the expenditure and ending seven days before the time the advertisement is sent to the printer or broadcaster.

(c) (1) "Top contributors" means the persons from whom the committee paying for an advertisement has received its three highest cumulative contributions of fifty thousand dollars (\$50,000) or more.

(2) If two or more contributors of identical amounts qualify as top contributors, the most recent contributor of that amount shall be listed as the top contributor in any disclosure required by Section 84503.

(3) If a contributor appears to qualify as a top contributor but received earmarked funds to make the contribution, the person or committee that earmarked the funds and gave those funds to the contributor shall instead be disclosed as the top contributor if they qualified as such. The person or committee transferring earmarked funds shall disclose the true source of the funds to the committee

1 receiving the earmarked funds at the time the funds are transferred.

2 Funds are “earmarked” in the following circumstances:

3 (A) The contributor solicited and received the funds from donors
4 for the purpose of making a contribution to the committee paying
5 for the advertisement.

6 (B) The funds were given to the contributor subject to a
7 condition, agreement, or understanding with the donor that all or
8 a portion would be used to make a contribution to the committee
9 paying for the advertisement, including any circumstance where
10 the donor identifies the committee as a potential recipient of the
11 contribution and the committee in fact receives all or a portion of
12 the donor’s contribution.

13 (C) The contributor had existing funds from a donor and a
14 subsequent agreement or understanding was reached with the
15 donor that all or a portion of the funds would be used to contribute
16 to the committee paying for the advertisement, including any
17 circumstance where the donor identifies the committee as a
18 potential recipient of the contribution and the committee in fact
19 receives all or a portion of the donor’s contribution.

20 SEC. 2. Section 84502 of the Government Code is repealed.

21 ~~84502. “Cumulative contributions” means the cumulative~~
22 ~~amount of contributions received by a committee beginning 12~~
23 ~~months prior to the date the committee made its first expenditure~~
24 ~~to qualify, support, or oppose the measure and ending within seven~~
25 ~~days of the time the advertisement is sent to the printer or broadcast~~
26 ~~station.~~

27 SEC. 3. Section 84502 is added to the Government Code, to
28 read:

29 84502. (a) Any advertisement paid for by a committee pursuant
30 to subdivision (a) of Section 82013 shall include the words “Paid
31 for by” followed by the name of the committee as it appears on
32 the most recent Statement of Organization filed pursuant to Section
33 84101.

34 (b) Any advertisement paid for by a committee as defined by
35 subdivision (b) or (c) of Section 82013 shall include the words
36 “Paid for by” followed by the name that the filer is required to
37 use on campaign statements pursuant to subdivision (o) of Section
38 84211.

39 SEC. 4. Section 84503 of the Government Code is repealed.

1 ~~84503. (a) Any advertisement for or against any ballot measure~~
2 ~~shall include a disclosure statement identifying any person whose~~
3 ~~cumulative contributions are fifty thousand dollars (\$50,000) or~~
4 ~~more.~~

5 ~~(b) If there are more than two donors of fifty thousand dollars~~
6 ~~(\$50,000) or more, the committee is only required to disclose the~~
7 ~~highest and second highest in that order. In the event that more~~
8 ~~than two donors meet this disclosure threshold at identical~~
9 ~~contribution levels, the highest and second highest shall be selected~~
10 ~~according to chronological sequence.~~

11 ~~SEC. 5. Section 84503 is added to the Government Code, to~~
12 ~~read:~~

13 ~~84503. (a) Any advertisement paid for by a committee pursuant~~
14 ~~to subdivision (a) of Section 82013 shall include the words “This~~
15 ~~committee has major funding from” followed by the names of the~~
16 ~~top contributors to the committee paying for the advertisement. If~~
17 ~~fewer than three contributors qualify as top contributors, only~~
18 ~~those contributors that qualify shall be disclosed pursuant to this~~
19 ~~section. If there are no contributors that qualify as top contributors,~~
20 ~~this disclosure is not required. If the content of the advertisement~~
21 ~~names each of the top contributors as major funding sources of~~
22 ~~the committee, this disclosure is not required.~~

23 ~~(b) The disclosure of a top contributor pursuant to this section~~
24 ~~need not include legal terms such as “incorporated,” “committee,”~~
25 ~~“political action committee,” or “corporation,” or abbreviations~~
26 ~~of these terms, unless the term is part of the contributor’s name~~
27 ~~in common usage or parlance.~~

28 ~~(c) If this article requires the disclosure of the name of a top~~
29 ~~contributor that is a committee pursuant to subdivision (a) of~~
30 ~~Section 82013 and is a sponsored committee pursuant to 82048.7~~
31 ~~with a single sponsor, only the name of the single sponsoring~~
32 ~~organization shall be disclosed.~~

33 ~~(d) This section does not apply to a committee as defined by~~
34 ~~subdivision (b) or (c) of Section 82013 or a political party~~
35 ~~committee.~~

36 ~~SEC. 6. Section 84504 of the Government Code is repealed.~~

37 ~~84504. (a) Any committee that supports or opposes one or~~
38 ~~more ballot measures shall name and identify itself using a name~~
39 ~~or phrase that clearly identifies the economic or other special~~
40 ~~interest of its major donors of fifty thousand dollars (\$50,000) or~~

1 more in any reference to the committee required by law, including,
2 but not limited, to its statement of organization filed pursuant to
3 Section 84101.

4 (b) ~~If the major donors of fifty thousand dollars (\$50,000) or~~
5 ~~more share a common employer, the identity of the employer shall~~
6 ~~also be disclosed.~~

7 (c) ~~Any committee which supports or opposes a ballot measure,~~
8 ~~shall print or broadcast its name as provided in this section as part~~
9 ~~of any advertisement or other paid public statement.~~

10 (d) ~~If candidates or their controlled committees, as a group or~~
11 ~~individually, meet the contribution thresholds for a person, they~~
12 ~~shall be identified by the controlling candidate's name.~~

13 *SEC. 7. Section 84504 is added to the Government Code, to*
14 *read:*

15 *84504. (a) An advertisement that is disseminated over the*
16 *radio or by telephonic means shall include the disclosures required*
17 *by Sections 84502, 84503, and 84506.5 at the beginning or end of*
18 *the advertisement, read in a clearly spoken manner and in a pitch*
19 *and tone substantially similar to the rest of the advertisement, and*
20 *shall last no less than three seconds.*

21 *(b) Notwithstanding the definition of "top contributors" in*
22 *paragraph (1) of subdivision (c) of Section 84501, radio and*
23 *prerecorded telephonic advertisements shall be required to disclose*
24 *only the single top contributor of fifty thousand dollars (\$50,000)*
25 *or more.*

26 *SEC. 8. Section 84504.1 is added to the Government Code, to*
27 *read:*

28 *84504.1. (a) An advertisement that is disseminated as a video,*
29 *including advertisements on television and videos disseminated*
30 *over the Internet, shall include the disclosures required by Sections*
31 *84502 and 84503 at the beginning or end of the advertisement.*

32 *(b) The disclosure required by subdivision (a) shall be written*
33 *and displayed for at least five seconds of a broadcast of thirty*
34 *seconds or less or for at least ten seconds of a broadcast that lasts*
35 *longer than thirty seconds.*

36 *(1) The written disclosure required by subdivision (a) shall*
37 *appear on a solid black background on the entire bottom one-third*
38 *of the television or video display screen and shall be in a*
39 *contrasting color in Arial equivalent type, and the type size for the*
40 *tallest letters in the written disclosure shall be exactly 4 percent*

1 of the height of the television or video display screen. The top
2 contributors, if any, shall each be disclosed on a separate
3 horizontal line, in descending order, beginning with the top
4 contributor who made the largest cumulative contributions on the
5 first line. The name of each of the top contributors shall be centered
6 horizontally. If the names of the top three contributors exceed or
7 cause the disclosure to exceed one-third of the television or video
8 display screen, the percent of the height of the type size shall be
9 reduced to the minimum amount necessary to provide for full
10 disclosure of the top contributors. The written disclosures required
11 by Sections 84502 and 84503 shall be underlined, except for the
12 names of the top contributors, if any.

13 (2) Committees subject to Section 84223 shall include the text
14 “Funding Details At [insert Commission Internet Web site with
15 information required to be posted by subdivision (c) of Section
16 84223].” The text shall be in contrasting color in Arial equivalent
17 type and the type size shall be equivalent to at least 2.5 percent of
18 the height of the television or video display screen.

19 (3) If using a type size of 4 percent of the height of the television
20 or video display screen causes the name of any of the top
21 contributors to exceed the width of the screen, the type sizes of the
22 name of the contributor that exceeds the width of the screen shall
23 be reduced until it fits on the width of the screen, but in no case
24 shall the type size be smaller than 2.5 percent of the height of the
25 screen.

26 SEC. 9. Section 84504.2 is added to the Government Code, to
27 read:

28 84504.2. (a) A print advertisement shall include the disclosures
29 required by Sections 84502, 84503, and 84506.5, displayed as
30 follows:

31 (1) The disclosure area shall have a solid white background
32 and shall be in a printed or drawn box on the bottom of at least
33 one page that is set apart from any other printed matter. All text
34 in the disclosure area shall be in contrasting color.

35 (2) The text shall be in an Arial equivalent type with a type size
36 of at least 10-point for printed advertisements designed to be
37 individually distributed, including, but not limited to, mailers,
38 flyers, and door hangers.

39 (3) The top contributors, if any, shall each be disclosed on a
40 separate horizontal line, in descending order, beginning with the

1 *top contributor who made the largest cumulative contributions on*
2 *the first line. The name of each of the top contributors shall be*
3 *centered horizontally in the disclosure area.*

4 *(4) Immediately below the text described in paragraph (3),*
5 *committees subject to Section 84223 shall include the text*
6 *“Funding Details At [insert Commission Internet Web site with*
7 *information required to be posted by subdivision (c) of Section*
8 *84223].” The text shall be in an Arial equivalent type with a type*
9 *size of at least 10-point for printed advertisements designed to be*
10 *individually distributed, including but not limited to mailers, flyers*
11 *and door hangers.*

12 *(b) Notwithstanding paragraphs (2) and (4) of subdivision (a),*
13 *the disclosure on a printed advertisement that is larger than those*
14 *designed to be individually distributed, including, but not limited*
15 *to, yard signs or billboards, shall be in Arial equivalent type with*
16 *a type size of at least 10 percent of the height of the advertisement,*
17 *and printed on a solid background with sufficient contrast that is*
18 *easily readable by the average person.*

19 *(c) Notwithstanding the definition of “top contributors” in*
20 *paragraph (1) of subdivision (c) of Section 84501, newspaper,*
21 *magazine, or other public print advertisements that are 20 square*
22 *inches or less shall be required to disclose only the single top*
23 *contributor of fifty thousand dollars (\$50,000) or more.*

24 *SEC. 10. Section 84504.3 is added to the Government Code,*
25 *to read:*

26 *84504.3. (a) An electronic media advertisement shall do all*
27 *of the following:*

28 *(1) Contain the disclosures required by Sections 84502, 84503,*
29 *and 84506.5 in a type size and font that is easily readable by the*
30 *average viewer, visible for a period of at least four seconds and*
31 *contrasts with the background so as to be easily readable by the*
32 *average person, unless impractical.*

33 *(2) Hyperlink to an Internet Web site containing the text required*
34 *by paragraph (1).*

35 *(b) An Internet Web site that is hyperlinked to as provided for*
36 *in paragraph (2) of subdivision (a) shall remain online and*
37 *available to the public until 30 days after the date of the election*
38 *where the candidate or measure supported or opposed by the*
39 *advertisement was voted upon.*

1 (c) An advertisement made via a form of electronic media that
2 is audio only and therefore cannot include either of the disclaimers
3 in subdivision (a) shall comply with the disclaimer requirements
4 for radio advertisements in Section 84504.

5 (d) An advertisement made via a form of electronic media that
6 allows users to engage in discourse and post content, or any other
7 type of social media, shall only be required to include the
8 disclaimer required by subdivision (a) on the committee's home
9 page, landing page, or similar location and shall not be required
10 to include the disclaimer required by subdivision (a) on each
11 individual post, comment, or other similar communication.

12 (e) The disclaimer required by this section does not apply to
13 advertisements made via social media where the only expense or
14 cost of the communication is compensated staff time unless the
15 social media account where the content is posted was created only
16 for the purpose of advertisements governed by this title.

17 SEC. 11. Section 84505 of the Government Code is amended
18 to read:

19 84505. (a) In addition to the requirements of Sections 84502,
20 84503, ~~84504, 84506,~~ and 84506.5, the committee placing the
21 advertisement or persons acting in concert with that committee
22 shall be prohibited from creating or using a noncandidate-controlled
23 committee or a nonsponsored committee to avoid, or that results
24 in the avoidance of, the disclosure of any individual, industry,
25 business entity, controlled committee, or sponsored committee as
26 ~~a major funding source; top contributor.~~

27 (b) Written disclosures required by Sections 84502, 84503, and
28 84506.5 shall not appear in all capital letters provided, however,
29 capital letters shall be permitted for the beginning of a sentence,
30 the beginning of a proper name or location, or as otherwise
31 required by conventions of the English language.

32 SEC. 12. Section 84506 of the Government Code is repealed.

33 ~~84506. (a) An advertisement supporting or opposing a~~
34 ~~candidate or ballot measure, that is paid for by an independent~~
35 ~~expenditure, shall include a disclosure statement that identifies~~
36 ~~both of the following:~~

37 ~~(1) The name of the committee making the independent~~
38 ~~expenditure.~~

39 ~~(2) The names of the persons from whom the committee making~~
40 ~~the independent expenditure has received its two highest~~

1 cumulative contributions of fifty thousand dollars (\$50,000) or
2 more during the 12-month period prior to the expenditure. If the
3 committee can show, on the basis that contributions are spent in
4 the order they are received, that contributions received from the
5 two highest contributors have been used for expenditures unrelated
6 to the candidate or ballot measure featured in the communication,
7 the committee shall disclose the contributors making the next
8 largest cumulative contributions of fifty thousand dollars (\$50,000)
9 or more.

10 (b) If an acronym is used to identify any committee names
11 required by this section, the names of any sponsoring organization
12 of the committee shall be printed on print advertisements or spoken
13 in broadcast advertisements.

14 *SEC. 13. Section 84507 of the Government Code is repealed.*

15 84507. Any disclosure statement required by this article shall
16 be printed clearly and legibly in no less than 14-point, bold, sans
17 serif type font and in a conspicuous manner as defined by the
18 commission or, if the communication is broadcast, the information
19 shall be spoken so as to be clearly audible and understood by the
20 intended public and otherwise appropriately conveyed for the
21 hearing impaired.

22 *SEC. 14. Section 84508 of the Government Code is repealed.*

23 84508. If disclosure of two major donors is required by Sections
24 84503 and 84506, the committee shall be required to disclose, in
25 addition to the committee name, only its highest major contributor
26 in any advertisement which is:

27 (a) An electronic broadcast of 15 seconds or less, or

28 (b) A newspaper, magazine, or other public print media
29 advertisement which is 20 square inches or less.

30 *SEC. 15. Section 84509 of the Government Code is repealed.*

31 84509. When a committee files an amended campaign
32 statement pursuant to Section 81004.5, the committee shall change
33 its advertisements to reflect the changed disclosure information.

34 *SEC. 16. Section 84509 is added to the Government Code, to*
35 *read:*

36 84509. If the order of top contributors required to be disclosed
37 pursuant to this article changes or a new contributor qualifies as
38 a top contributor, the disclosure in the advertisement shall be
39 updated as follows:

1 (a) A television, radio, telephone, electronic billboard, or other
2 electronic media advertisement shall be updated to reflect the new
3 top contributors within seven business days, or five business days
4 if the change in top contributors occurs within 30 days of an
5 election.

6 (b) A print media advertisement, including nonelectronic
7 billboards, shall be updated to reflect the new top contributors
8 prior to placing a new or modified order for additional printing
9 of the advertisement.

10 SEC. 17. Section 84511 of the Government Code is amended
11 to read:

12 84511. (a) This section applies to a committee that does either
13 of the following:

14 (1) Makes an expenditure of five thousand dollars (\$5,000) or
15 more to an individual for his or her appearance in an advertisement
16 that supports or opposes the qualification, passage, or defeat of a
17 ballot measure.

18 (2) Makes an expenditure of any amount to an individual for
19 his or her appearance in an advertisement that supports or opposes
20 the qualification, passage, or defeat of a ballot measure and that
21 states or suggests that the individual is a member of an occupation
22 that requires licensure, certification, or other specialized,
23 documented training as a prerequisite to engage in that occupation.

24 (b) A committee described in subdivision (a) shall file, within
25 10 days of the expenditure, a report that includes all of the
26 following:

27 (1) An identification of the measure that is the subject of the
28 advertisement.

29 (2) The date of the expenditure.

30 (3) The amount of the expenditure.

31 (4) The name of the recipient of the expenditure.

32 (5) For a committee described in paragraph (2) of subdivision
33 (a), the occupation of the recipient of the expenditure.

34 (c) An advertisement paid for by a committee described in
35 paragraph (1) of subdivision (a) shall include a disclosure statement
36 stating "(spokesperson's name) is being paid by this campaign or
37 its donors" in highly visible font shown continuously if the
38 advertisement consists of printed or televised material, or spoken
39 in a clearly audible format if the advertisement is a radio broadcast
40 or telephonic message. *If the advertisement is a television or video*

1 *advertisement, the statement shall be shown continuously, except*
2 *when the disclosure statement required by Section 84504.1 is being*
3 *shown.*

4 (d) (1) An advertisement paid for by a committee described in
5 paragraph (2) of subdivision (a) shall include a disclosure statement
6 stating “Persons portraying members of an occupation in this
7 advertisement are compensated spokespersons not necessarily
8 employed in those occupations” in highly visible font shown
9 continuously if the advertisement consists of printed or televised
10 material, or spoken in a clearly audible format if the advertisement
11 is a radio broadcast or telephonic message.

12 (2) A committee may omit the disclosure statement required by
13 this subdivision if all of the following are satisfied with respect to
14 each individual identified in the report filed pursuant to subdivision
15 (b) for that advertisement:

16 (A) The occupation identified in the report is substantially
17 similar to the occupation portrayed in the advertisement.

18 (B) The committee maintains credible documentation of the
19 appropriate license, certification, or other training as evidence that
20 the individual may engage in the occupation identified in the report
21 and portrayed in the advertisement and makes that documentation
22 immediately available to the Commission upon request.

23 *SEC. 18. No reimbursement is required by this act pursuant*
24 *to Section 6 of Article XIII B of the California Constitution because*
25 *the only costs that may be incurred by a local agency or school*
26 *district will be incurred because this act creates a new crime or*
27 *infraction, eliminates a crime or infraction, or changes the penalty*
28 *for a crime or infraction, within the meaning of Section 17556 of*
29 *the Government Code, or changes the definition of a crime within*
30 *the meaning of Section 6 of Article XIII B of the California*
31 *Constitution.*

32 *SEC. 19. The Legislature finds and declares that this bill*
33 *furtheres the purposes of the Political Reform Act of 1974 within*
34 *the meaning of subdivision (a) of Section 81012 of the Government*
35 *Code.*

36 ~~SECTION 1. It is the intent of the Legislature to enact~~
37 ~~legislation that would implement a California Disclose Act to~~
38 ~~ensure that advertisements that seek to persuade voters to cast a~~
39 ~~vote in favor or against ballot measures do not mislead voters as~~
40 ~~to who is funding the campaign that paid for the advertisement.~~

1 ~~SEC. 2. Section 84511 of the Government Code is amended~~
2 ~~to read:~~

3 ~~84511. (a) This section applies to a committee that does either~~
4 ~~of the following:~~

5 ~~(1) Makes an expenditure of five thousand dollars (\$5,000) or~~
6 ~~more to an individual for his or her appearance in an advertisement~~
7 ~~that supports or opposes the qualification, passage, or defeat of a~~
8 ~~ballot measure.~~

9 ~~(2) Makes an expenditure of any amount to an individual for~~
10 ~~his or her appearance in an advertisement that supports or opposes~~
11 ~~the qualification, passage, or defeat of a ballot measure and that~~
12 ~~states or suggests that the individual is a member of an occupation~~
13 ~~that requires licensure, certification, or other specialized,~~
14 ~~documented training as a prerequisite to engage in that occupation.~~

15 ~~(b) A committee described in subdivision (a) shall file, within~~
16 ~~10 days of the expenditure, a report that includes all of the~~
17 ~~following:~~

18 ~~(1) An identification of the measure that is the subject of the~~
19 ~~advertisement.~~

20 ~~(2) The date of the expenditure.~~

21 ~~(3) The amount of the expenditure.~~

22 ~~(4) The name of the recipient of the expenditure.~~

23 ~~(5) For a committee described in paragraph (2) of subdivision~~
24 ~~(a), the occupation of the recipient of the expenditure.~~

25 ~~(c) An advertisement paid for by a committee described in~~
26 ~~paragraph (1) of subdivision (a) shall include a disclosure statement~~
27 ~~stating “(spokesperson’s name) is being paid by this campaign or~~
28 ~~its donors” in highly visible roman font shown continuously if the~~
29 ~~advertisement consists of printed or televised material, or spoken~~
30 ~~in a clearly audible format if the advertisement is a radio broadcast~~
31 ~~or telephonic message. If the advertisement is a television or video~~
32 ~~advertisement, the statement shall be shown continuously.~~

33 ~~(d) (1) An advertisement paid for by a committee described in~~
34 ~~paragraph (2) of subdivision (a) shall include a disclosure statement~~
35 ~~stating “Persons portraying members of an occupation in this~~
36 ~~advertisement are compensated spokespersons not necessarily~~
37 ~~employed in those occupations” in highly visible roman font shown~~
38 ~~continuously if the advertisement consists of printed or televised~~
39 ~~material, or spoken in a clearly audible format if the advertisement~~
40 ~~is a radio broadcast or telephonic message.~~

1 ~~(2) A committee may omit the disclosure statement required by~~
2 ~~this subdivision if all of the following are satisfied with respect to~~
3 ~~each individual identified in the report filed pursuant to subdivision~~
4 ~~(b) for that advertisement:~~

5 ~~(A) The occupation identified in the report is substantially~~
6 ~~similar to the occupation portrayed in the advertisement.~~

7 ~~(B) The committee maintains credible documentation of the~~
8 ~~appropriate license, certification, or other training as evidence that~~
9 ~~the individual may engage in the occupation identified in the report~~
10 ~~and portrayed in the advertisement and makes that documentation~~
11 ~~immediately available to the Commission upon request.~~

12 ~~SEC. 3. No reimbursement is required by this act pursuant to~~
13 ~~Section 6 of Article XIII B of the California Constitution because~~
14 ~~the only costs that may be incurred by a local agency or school~~
15 ~~district will be incurred because this act creates a new crime or~~
16 ~~infraction, eliminates a crime or infraction, or changes the penalty~~
17 ~~for a crime or infraction, within the meaning of Section 17556 of~~
18 ~~the Government Code, or changes the definition of a crime within~~
19 ~~the meaning of Section 6 of Article XIII B of the California~~
20 ~~Constitution.~~

21 ~~SEC. 4. The Legislature finds and declares that this bill furthers~~
22 ~~the purposes of the Political Reform Act of 1974 within the~~
23 ~~meaning of subdivision (a) of Section 81012 of the Government~~
24 ~~Code.~~

25 ~~SEC. 5. This act is an urgency statute necessary for the~~
26 ~~immediate preservation of the public peace, health, or safety within~~
27 ~~the meaning of Article IV of the Constitution and shall go into~~
28 ~~immediate effect. The facts constituting the necessity are:~~

29 ~~In order to protect the interests of Californians who are~~
30 ~~empowered with the right to vote, it is appropriate that they be~~
31 ~~duly informed and that their constitutional right to instruct their~~
32 ~~representative be protected. This purpose is best served by an~~
33 ~~informed electorate and an informed press. The need for greater~~
34 ~~transparency of campaign contributions and advertisement~~
35 ~~disclosures is vital to the interests of the State such that this act~~
36 ~~must take effect immediately.~~